

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 13064 of Chris and Mary Calomiris, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the parking requirements (Sub-section 7202.1) to use the subject premises as a pre-school for thirty-five children with three teachers in an R-5-B District at the premises 6640 Georgina Avenue, N. W. (Square 2947, Lot 808.)

HEARING DATE: October 17, 1979  
DECISION DATE: November 7, 1979

FINDINGS OF FACT:

1. The subject property is located in an R-5-B zone District on the west side of Georgia Avenue between Aspen Street to the north, and Van Buren Street to the south, at premises known as 6640 Georgia Avenue N. W. Square 2947, Lot 808.
2. The subject property is presently vacant. The last use of the property was that of a dry cleaning store, established in 1970 pursuant to BZA Order 10033, and Certificate of Occupancy B-72534. Prior to 1970, the building was used as an antique shop.
3. The applicant proposes to operate a pre-school day care center for thirty-five students and three teachers at the subject site. A pre-school is a use permitted as a matter-of-right in the R-5-B zone District.
4. The property is surrounded to the north by a three story apartment building in the R-5-B District, followed by Aspen Street and the Walter Reed Army Hospital grounds, to the south by a series of two and three story apartment buildings in the R-5-B District, to the west by the rear yards of single family detached dwellings in the R-1-B District, and to the east by Georgia Avenue followed by a large three story apartment house in the R-5-B District.

5. Pursuant to Sub-section 7202.1 of the Zoning Regulations parking shall be provided at the rate of two spaces for each three teachers. The structure was built prior to the adoption of the present Zoning Regulations in 1958. Pursuant to Sub-section 7201.2, the proposed use must provide parking for the difference between the number of spaces required for the previous use and the number of spaces required for the proposed use. Since one space was required for the dry cleaning store, and two spaces are normally required for the school, one space must be provided. The applicant proposes to provide no off-street parking, and thus requests a variance of one space.

6. There is enough room in the rear yard of the subject site to provide the required off-street parking space. However, there is no way a vehicle can gain access to the yard, as there is no alley abutting the site, and not enough room along the side of the building or the Georgia Avenue Street frontage to install a driveway.

7. The building is approximately 1,760 square feet in area and together with the rear yard easily accommodates the 100 square feet per child play space requirement of the Zoning Regulations. The applicant proposes a complete renovation of the site to include a kitchen, office and bathroom as well as the large outdoor play space.

8. The Office of Planning and Development, by report dated October 10, 1979, recommended approval of the application on the grounds that it is impossible as a practical matter to gain access to the rear yard to provide a parking space, that there is ample metered parking in the area, that the site is convenient to public transportation, and that the proposed pre-school will not cause substantial detriment to the public good. The Board so finds.

9. There was concern from surrounding residents concerning the impact that a pre-school would have on the zoning of the neighborhood and the precedent that might be set. The Board discussed the impact at length, with the neighborhood representatives present.

10. As to those impacts, the Board finds that use of this premises as a pre-school, a conforming use, would extinguish any non-conforming use rights related to the subject property. It could no longer be used for any non-conforming commercial purposes. As to the parking variance, the Board finds that the variance runs with the property, and that the variance if granted would allow any other conforming use which normally required two parking spaces to use that property without requiring approval of the Board.

11. The persons present did not object to the granting of the application based on the findings made by the Board and discussed with them.

12. The Chairman of Advisory Neighborhood Commission 4A, by letter dated October 3, 1979, opposed the variance on the grounds that if granted, the variance would disrupt the peaceful enjoyment of neighboring property and might set a precedent. There is no indication that the ANC itself took that position. The issues raised by the ANC Chairman have already been addressed by the Board.

CONCLUSIONS OF LAW:

Based on the foregoing Findings of Fact and the evidence of record, the Board is of the opinion that the requested variance is an area variance, the granting of which requires the showing of a practical difficulty upon the owner arising out of the property. The Board concludes that the subject lot's vehicular inaccessibility from a rear alley or from Georgia Avenue, creates such a difficulty. The Board further is of the opinion that the requested variance can be granted without substantial detriment to the public good, and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Maps. Accordingly, it is hereby ORDERED that this application is hereby GRANTED subject to the following CONDITIONS:

1. Approval of this application is limited to a facility to be operated by Ms. Beverly D. Kemp.
2. There shall be a maximum enrollment of thirty-five children and three teachers.
3. The rear yard may be used as a play area but shall be enclosed with a fence.

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VOTE: 4-0 ( Walter B. Lewis, Charles Norris, William F. McIntosh,  
to grant; Leonard L. McCants, to grant by proxy,  
Chloethiel Woodard Smith, not voting, not having  
heard the case.)

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: 11 FEB 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION  
OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER  
HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE  
AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER  
THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN  
APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY  
IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND  
INSPECTIONS.